

MINUTES

**MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION
FREE CONFERENCE COMMITTEE ON HB 2**

Call to Order: By **CHAIRMAN SWSYGOOD0**, on April 15, 1999 at 8:10 A.M., in Room 312-2 Capitol.

ROLL CALL

Members Present:

Sen. Chuck Swysgood, Chairman (R)
Sen. Arnie Mohl (R)
Sen. Linda Nelson (D)
Rep. Tom Zook, Chairman (D)
Rep. Ernest Bergsagel (R)
Rep. Joe Quilici (D)

Members Excused: None.

Members Absent: None.

Staff Present: Shannon Gleason, Secretary
Clayton Schenck, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 2, 4/17/1999
Executive Action: Amendments

HEARING ON SECTION E

Motion/Vote: REP. ZOOK moved SECTION E BE OPENED. Motion carried unanimously.

Motion/Vote: REP. ZOOK moved that AMENDMENT HB000250.ASW EXHIBIT(frs82hb0002a01) BE ADOPTED. Motion carried 4-2 with Nelson and Bergsagel voting no.

Motion/Vote: REP. ZOOK moved that AMENDMENT HB000248.ASW EXHIBIT(frs82hb0002a02) BE ADOPTED. Motion carried 5-1 with Bergsagel voting no.

Motion/Vote: SEN. NELSON moved that AMENDMENT HB000258.ATP EXHIBIT(frs82hb0002a03) BE ADOPTED. Motion carried 5-1 with Bergsagel voting no.

Motion: SEN. NELSON moved that AMENDMENT HB000239.asw EXHIBIT(frs82hb0002a04) BE ADOPTED.

Discussion:

Dick Crofts, Commissioner of Higher Education, advised amendment allows funding for computer networks to be established for students.

Vote: Motion failed 2-4 with Nelson and Quilici voting yes.

Motion: REP. ZOOK moved that AMENDMENT HB000242.ASW EXHIBIT(frs82hb0002a05) BE ADOPTED.

Discussion:

Sandy Whitney, Legislative Staff, explained the agreement with the university system. They are funded at a resident level, and the money must be refunded to the state for all students below the projected enrollment.

Vote: Motion carried unanimously.

Motion/Vote: REP. ZOOK moved that AMENDMENT HB000249.ASW EXHIBIT(frs82hb0002a06) BE ADOPTED. Motion carried unanimously.

The committee recessed until 9:10.

HEARING ON SECTION D

Motion/Vote: REP. ZOOK moved SECTION D BE OPENED. Motion carried unanimously.

Motion: REP. QUILICI moved that AMENDMENT HB000267.ASC EXHIBIT(frs82hb0002a07) BE ADOPTED.

Discussion:

REP. QUILICI asked if this was currently being done. **Beth Baker**, Department of Justice, advised there currently was a review. **HB 508** added a new dimension to the review process, and the department believed they would need contract help for legal reviews.

REP. BERGSAGEL felt the department should use internal employees who were paid a salary. **Ms. Baker** advised the department operates the legal services as a proprietary account and would have to pay regardless.

REP. ZOOK asked if the department currently reviewed for the constitutionality of the initiative. **Ms. Baker** advised they currently review to ensure the forms are filled out correctly.

Vote: Motion failed 2-4 with Nelson and Quilici voting yes.

Motion/Vote: **REP. ZOOK** moved that **AMENDMENT HB000265.ASC EXHIBIT(frs82hb0002a08)** BE ADOPTED. Motion carried unanimously.

Motion: **REP. QUILICI** moved that **AMENDMENT HB000274.ASC EXHIBIT(frs82hb0002a09)** BE ADOPTED.

Discussion:

REP. BERGSAGEL asked to have the amendment separated. **BRENDA NORDAL**, Department of Justice, explained all the amendments. **REP. BERGSAGEL** advised he did not support anything except **HB 540**. **Ms. Nordal** advised **HB 540** was not included.

REP. ZOOK advised the amounts were so small they should not be considered. **REP. QUILICI** felt **SB 133** did warrant the money.

SEN. MOHL asked who worked on the Fiscal Note for **SB 133**. **Ms. Nordal** advised various people, and explained the new required duties. **SEN. MOHL** did not remember the Fiscal Note allowing for additional cost. After several minutes of discussion it was decided the Fiscal Note had shown additional costs. **REP. BERGSAGEL** advised the Department of Justice received a \$6,000,000.00 increase in their budget and he felt they could absorb the increase.

Vote: Motion failed 4-2 with Zook and Bergsagel voting no.
{Tape : 1; Side : A; Approx. Time Counter :9:28}

Motion/Vote: REP. ZOOK moved that AMENDMENT HB000266.ASC
EXHIBIT(frs82hb0002a10) BE ADOPTED. Motion carried unanimously.

Motion: SEN. NELSON moved that AMENDMENT HB000268.ASC
EXHIBIT(frs82hb0002a11) BE ADOPTED.

Discussion:

SEN. MOHL wanted to know what happened if no counties participated. Joe Mazurik, Attorney General, advised the money would be reverted.

Vote: Motion failed 2-4 with Nelson and Quilici voting yes.

Motion/Vote: REP. BERGSAGEL moved that AMENDMENT HB000260.ASC
EXHIBIT(frs82hb0002a12) BE ADOPTED. Motion carried unanimously.

Motion: SEN. MOHL moved that AMENDMENT HB000277.ASC
EXHIBIT(frs82hb0002a13) BE ADOPTED.

Discussion:

RICK DAY, Department of Corrections, advised any assistance would be helpful, and the additional FTE was necessary.

Motion: REP. BERGSAGEL moved that AMENDMENT HB000284.ALT
EXHIBIT(frs82hb0002a14) BE ADOPTED.

Discussion:

Pat Haffey, Department of Labor and Industry, advised in 1997 a new methodology was implemented. As Workers Compensation had declined so had the money. This would not increase the rate or reduce the benefits, it would just allow the department to change the internal structure.

Vote: Motion carried unanimously.
{Tape : 1; Side : B; Approx. Time Counter : 9:40}

Motion/Vote: REP. ZOOK moved that AMENDMENT HB000287.ALT
EXHIBIT(frs82hb0002a15) BE ADOPTED. Motion carried unanimously.

Motion/Vote: REP. ZOOK moved that AMENDMENT HB000265.AGD
EXHIBIT(frs82hb0002a16) BE ADOPTED. Motion carried 5-1 with Bergsagel voting no.

HEARING ON BOILERPLATE

Motion/Vote: REP. ZOOK moved BOILERPLATE BE OPENED. Motion carried unanimously.

Motion/Vote: REP. ZOOK moved that AMENDMENT HB000246.ASW EXHIBIT(frs82hb0002a17) BE ADOPTED. Motion carried unanimously.

Motion: REP. BERGSAGEL moved that AMENDMENT HB000257.ATP EXHIBIT(frs82hb0002a18) BE ADOPTED.

Discussion:

CHAIRMAN SWYSGOOD advised this addressed the concerns with the computers and set up direction for oversight and review.

Vote: Motion carried unanimously.

The committee was recessed until 1:40. Pam Joehler passed out EXHIBIT(frs82hb0002a19), a total of the amendments added by the Free Conference Committee.

Motion: REP. BERGSAGEL moved that AMENDMENT HB000280.AGD EXHIBIT(frs82hb0002a20) BE ADOPTED.

Discussion:

Peter Blouke, Department of Commerce, requested full funding for the program.

REP. QUILICI felt the department could make the program work with the funds.

SEN. NELSON asked if the dollar amount was correct. The committee advised it was.

Vote: Motion carried unanimously.

Motion/Vote: REP. BERGSAGLE moved that AMENDMENT HB000288.ALS EXHIBIT(frs82hb0002a21) BE ADOPTED. Motion carried 5-1 with Mohl voting no.

Motion/Vote: REP. ZOOK moved that AMENDMENT HB000299.ACS EXHIBIT(frs82hb0002a22) BE ADOPTED. Motion carried unanimously.

Motion: SEN. NELSON moved AMENDMENT HB000256 BE RECONSIDERED.

Discussion:

SEN. NELSON advised **HB000256** had a double appropriation and needed to be replaced **WITH HB000270.ARL EXHIBIT(frs82hb0002a23)**.

Vote: Motion carried unanimously.

Motion: **SEN. NELSON** moved that **AMENDMENT HB000271.ARL EXHIBIT(frs82hb0002a24)** BE ADOPTED.

Discussion:

George Harris, Board of Livestock, advised the fees were increasing from \$12.00 per head to \$40.00 per head.

CHAIRMAN SWYSGOOD stated this assures the money for the environmental study was in place.

Vote: Motion carried unanimously.

Motion: **REP. QUILICI** moved that **AMENDMENT HB000285.ALT EXHIBIT(frs82hb0002a25)** BE ADOPTED.

Discussion:

Gloria Grimes, Montana Foodbank Network, rose in support of the amendment and explained how the foodbank would use the machine.

SEN. NELSON advised the Billings Foodbank was opposed to the amendment. **Ms. Grimes** stated the Billings Foodbank was not part of the network and stated possibly the billings operation was not supportive because they felt services would be reduced. **SEN. NELSON** advised the concern was the cost. **Ms. Grimes** stated it was cheaper to can and the foodbank has been doing this in association with the LDS church for four years.

REP. QUILICI explained the person in Billings opposing the program operates a for-profit agency. *{Tape : 1; Side : B; Approx. Time Counter : 2:05}*

Chester Kinsey, Montana Senior Citizens Association, advised he would be willing to donate the excess garden items from **Kinsey Farms** to the process.

REP. QUILICI withdrew his motion on **HB000285.alt** and moved **HB000289.alt EXHIBIT(frs82hb0002a26)**. The amendment was changed to reduce the amount needed.

Motion: REP. QUILICI moved that **AMENDMENT HB000273.AGD**
EXHIBIT(frs82hb0002a27) BE ADOPTED.

Discussion:

SEN. MOHL advised he could not support the amendment because he had verified the Federal funds would not be available.

Vote: Motion failed 0-6.

Motion: SEN. NELSON moved that **AMENDMENT HB000269.AGD**
EXHIBIT(frs82hb0002a28) BE ADOPTED.

Discussion:

Andy Poole, Department of Commerce, advised this would provide a \$2,000,000.00 tax credit for telecommunications in rural Montana.

Vote: Motion carried 5-1 with Mohl voting no.

Motion: SEN. MOHL moved that **AMENDMENT HB000266.AGD**
EXHIBIT(frs82hb0002a29) BE ADOPTED.

Discussion:

Mark Staples, Montana Mortgage Lenders Association, advised the bill had been amended in Conference Committee and the portion left required a registration and bond for out of state companies.

Vote: Motion carried unanimously.

Motion: REP. BERGSAGEL moved that **AMENDMENT HB000225.AJT**
EXHIBIT(frs82hb0002a30) BE ADOPTED.

Discussion:

REP. QUILICI advised the subcommittee had worked hard to determine the costs and supported the amendment. This would assist the smaller agencies that did not have the expertise to handle the program

CHAIRMAN SWYSGOOD stated MT PRIME had been very frustrating to everyone, but felt the program had been started and should be finished.

Vote: Motion carried unanimously.

Motion/Vote: SEN. NELSON moved that AMENDMENT HB000267.AGD
EXHIBIT(frs82hb0002a31) BE ADOPTED. Motion carried unanimously.

Motion/Vote: SEN. MOHL moved that AMENDMENT HB000262.ASC
EXHIBIT(frs82hb0002a32) BE ADOPTED. Motion carried 5-1 with
Bergsagel voting no.

Motion/Vote: REP. ZOOK moved AMENDMENT HB000245.ATP
EXHIBIT(frs82hb0002a33) BE CHANGED TO REFLECT \$50,000.00 AND
ADOPTED. Motion failed 3-3 with Zook, Quilici, and Nelson voting
yes.

Motion/Vote: SEN. MOHL moved that AMENDMENT HB000278.ASC
EXHIBIT(frs82hb0002a34) BE ADOPTED. Motion carried unanimously.

Motion: SEN. NELSON moved that AMENDMENT HB000272.ARL
EXHIBIT(frs82hb0002a35) BE ADOPTED.

Discussion:

REP. BERGSAGEL asked what this would do to the fee. The fee
would be increased to \$43.00 per head. REP. BERGSAGEL asked what
the fee would cover. The program currently has a \$43,000.00
deficit and the additional services required by the bill. The
fees would be reduced in 2002 when the deficit was reduced. REP.
BERGSAGEL asked if the fee would be reduced to \$19.00 per head in
2003, the answer was yes.

Vote: Motion carried unanimously.

ADJOURNMENT

Adjournment: 2:35 P.M.

SEN. CHUCK SWYSGOOD, Chairman

SHANNON GLEASON, Secretary

CS/SG

EXHIBIT (frs82hb0002aad)